

**CITY COUNCIL OF THE CITY OF SAN DIEGO  
CLOSED SESSION DOCKET  
FOR  
TUESDAY, FEBRUARY 21, 2006  
CITY ADMINISTRATION BUILDING  
COMMITTEE ROOM – 12<sup>TH</sup> FLOOR  
202 “C” STREET  
SAN DIEGO, CA 92101**

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**NOTE:** In accordance with the San Diego City Council Permanent Rule for Noticing and Conduct of Closed Session Meetings, adopted on February 28, 2005, a portion of the regular open meeting agenda of the City Council has been reserved for City Attorney comment, public comment, and City Council discussion of the content of this Closed Session Docket. **Public testimony for this Closed Session Agenda will be taken today, February 21, 2006 during the 2:00 p.m. Council meeting after the adoption agenda is heard.**

**The Closed Session will commence immediately following the conclusion of the open session meeting today.**

**Conference with Legal Counsel - existing litigation, pursuant to California Government Code section 54956.9(a):**

**CS-1** *Valerie O’Sullivan v. City of San Diego, et al.*  
San Diego Superior Court Case No. GIC 826918

DCA assigned: R. Martinez

This matter involves a challenge to the City’s use and maintenance of the “Children’s Pool” in La Jolla under 19131 state tidelands trust. On October 4, 2005, the trial court found the City to be in breach of the 1931 state tidelands trust and its obligations as trustee under the trust. The trial court ordered the City to “employ all reasonable means to restore the Pool to its 1941 condition by removing the sand build-up and further reduce the level of water contamination in the Pool to levels certified by the County of San Diego as being safe for humans.” On October 20, 2005, the City appealed the trial court’s decision. As a result, the trial court’s order is stayed and jurisdiction rests with the Court of Appeal. In addition, on December 16, 2005, the trial court ordered the City to pay Plaintiff \$479,847.13 in attorney’s fees and costs. The City has appealed that order as well.